

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75066 of 2022

Arising Out of PS. Case No.-359 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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Sandeep Kumar @ Sandeep Singh, Son of Nawal Kishore Singh R/o Jaihind
Tendua, P.S.- Mali, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-03-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner seeks regular bail in connection with
Bhabhua Excise Prohibition P.S. P.R. Case No. 359 of 2022
registered for the offence punishable under Section 30(a) of
Bihar Prohibition Act, 2016.

As per prosecution, the police personnel while vehicle
checking seized the alleged vehicle and apprehended this
petitioner with two co-accused persons and recovered 360 litres
of liquor from the seized vehicle.

The main submissions advanced by the learned
counsel for the petitioner are that though the petitioner was
arrested at the spot from the alleged vehicle but the said vehicle



does not belong to the petitioner rather the same belongs to co-accused Santosh and in this regard petitioner has filed supplementary affidavit and the recovery of the alleged wine was not made from the conscious possession of the petitioner. Further submission is that the petitioner has been languishing in jail since 05.12.2022 and the provisions of Section 100 Cr. P.C. were not followed by the police when the search and seizure was made and the petitioner has fair and clean antecedent and the witnesses of the recovery are official persons.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts as stated above, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bhabhua Excise Prohibition P.S. P.R. Case No. 359 of 2022.

(Shailendra Singh, J)

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